

D. ALLOWABLE ACTIVITIES FOR WCCC CONSUMERS

Consumers who are TANF recipients
Consumers who are not TANF recipients
Self-Employed Consumers
Consumers who are not in approved activities

Effective July 1, 2002

WAC 388-290-0040 If I receive a temporary assistance for needy families (TANF) grant, what activities must I be involved in to be eligible for WCCC benefits?

If you receive a temporary assistance for needy families (TANF) grant, you may be eligible for WCCC benefits for up to sixteen hours maximum per day for your hours of participation in the following:

1. An approved WorkFirst activity under [WAC 388-310-0200](#);
2. Employment or self-employment. We consider "employment" or "work" to mean engaging in any legal, income generating activity that is taxable under the United States Tax Code or that would be taxable with or without a treaty between an Indian Nation and the United States;
3. Transportation time between the location of child care and your place of employment or approved activity;
4. Up to ten hours per week of study time before or after regularly scheduled classes or up to three hours of study time per day when needed to cover time between approved classes; and
5. Up to eight hours per day of sleep time when it is needed, such as if you work nights and sleep days.

Click on the Washington State Register (WSR) numbers below to go to the official filings for this WAC at the Washington State Code Reviser's web site.

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WAC 388-290-0045 If I don't get a temporary assistance for needy families (TANF) grant, what activities must I be involved in to be eligible for WCCC benefits?

If you do not receive TANF, you may be eligible for WCCC benefits for up to sixteen hours maximum per day for the hours of your participation or enrollment in the following:

1. Employment or self-employment under [WAC 388-290-0050](#). We consider "employment" or "work" to mean engaging in any legal, income generating activity that is taxable under the United States Tax Code or that would be taxable with or without a treaty between an Indian Nation and the United States;
2. Secondary education or general equivalency diploma (GED) program if you are age twenty-one or younger.
3. Same-day job search if you are a TANF applicant;
4. The food stamp employment and training program under [chapter 388-444 WAC](#);
5. Adult basic education (ABE), English as a second language (ESL), high school/GED, vocational education, or job skills training or other program under [WAC 388-310-1000](#), 388-310-1050, 388-310-1200, or 388-310-1800, and you are:
 - a. Working:
 - i. Twenty or more hours per week; or
 - ii. Sixteen or more hours per week in a work study job.
 - b. Participating in the educational program for no longer than thirty-six months.
6. WCCC may be approved for activities listed in [WAC 388-290-0040](#) (3) through (5), when needed.

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CLARIFYING INFORMATION

1. **College work study:** WCCC may be authorized for the parent who has 16 or more hours per week of work study employment and is:
 - a. Receiving TANF. These consumers must attend community or technical college at least half-time and be referred by the WorkFirst case manager.
 - b. Not receiving TANF. These consumers must attend community or technical college and be referred by the Community or Technical College (CTC).
2. **Education and training programs:** Consumers who are working 20 hours or more each week, 16 hours each week if the employment is work study, may also receive child care to participate in education and training programs. For a non-TANF consumer, the maximum amount of care authorized for education and training is a total of 36 months.

For TANF clients, the maximum length of time is 12 months, with 24 additional months allowed after TANF eligibility has ended (See Chapter 7 of the Workfirst Handbook).

The Community and Technical Colleges will certify the consumer is enrolled and making progress in an allowable course of study as detailed in [WAC 388-290-0040](#) and [WAC 388-290-0045](#). The consumer will then receive a referral form from the college. The consumer will provide the AW with a copy of the referral form that indicates the period of enrollment.

3. **Employment:** If the consumer is employed in the same licensed facility attended by his/her child, WCCC can only be authorized if the consumer provides a written statement signed by the consumer and the director / owner of the child care facility stating how the consumer does not provide direct care to the child. ([WAC 388-290-0020](#))

Consumers who request child care just for employment do not have to work a minimum number of hours per week. For example: An applicant who only works 12 hours a week may receive WCCC.

4. **Post-Employment services:** These services are designed to help keep WorkFirst participants employed, attached to the labor market and gaining skills to help them increase their wages.

Post-Employment services include WorkFirst Post Employment Labor Exchange (WPLEX). The WPLEX call center staff assists participants with services to help

them keep their job and advance in the job market. WPLEX is the main provider of job search services for working TANF and former TANF recipients. TANF and former TANF recipients are eligible for Post-Employment services as follows:

- a. **TANF Recipients:** When employed (unsubsidized) 20 hours or more per week, or up to four weeks of re-employment services due to loss of employment.
 - b. **Former TANF Recipients:** When employed (unsubsidized) 20 hours per week for up to two years post-TANF.
5. **Extended Hours Child Care (EHC):** This program is available to TANF and Non-TANF recipients for the purpose of participation in certain types of training during non-standard hours. Care is provided at on-site licensed child care facilities on the CTC campuses. Participants must be referred from the CTC and must meet all WCCC eligibility requirements to receive coverage by the WCCC program. See [Special Circumstances - D. - Families That Work and Extended Hours Child Care](#).
6. **Families That Work (FTW):** FTW is a family literacy program currently offered through Community and Technical Colleges to both TANF and non-TANF recipients. Participants must be referred from the CTC and must meet all WCCC eligibility requirements to receive coverage by the WCCC program. See [Special Circumstances - D. - Families That Work and Extended Hours Child Care](#).
7. **Food Stamp Employment and Training (FS E&T) participants:** referred by Employment Security staff after they have been determined eligible. FS E&T activities consist of job search and educational activities deemed appropriate by Employment Security staff. See [chapter 388-444 WAC](#).
8. **Fulltime-Fulltime Training for Seasonal Workers:** WorkFirst offers seasonally employed workers the opportunity to meet their work requirements during the peak season and pursue training in the off-season. As TANF recipients, participants in the Fulltime-Fulltime Training Option are eligible for WCCC if they meet all other WCCC eligibility requirements. See [WAC 388-310-0900](#), 1000, and 1050 for more details.
9. **Internships and practicums:**
 - a. **TANF recipients:** See WAC [388-310-1000](#) (2)(c) - WorkFirst Vocational education.
 - b. **Non-TANF recipients** will be eligible for WCCC while participating in an internship or practicum, (not limited to 12 months) if the internship or

practicum is linked to Vocational Education as defined in WAC 388-310-1000 (1) and:

- i. **Paid** and equals 20 or more hours a week, or
- ii. **Unpaid** and the consumer has outside employment of 20 or more hours a week, or 16 or more hours in a Work Study job, and the internship or practicum.

10. **Tribal TANF approved activities or employment:** Certain tribes in Washington have opted to offer TANF grants and manage their own type of WorkFirst program. A tribal member receiving tribal TANF must participate according to the specific Tribal requirements. These requirements may not be the same as those for WorkFirst participants. Tribal TANF recipients may receive child care from the tribe or DSHS. This is called "dual eligibility".

When the Tribal TANF recipient requests child care from DSHS, the:

- a. Recipient is subject to WCCC rules regarding family, income, copayments, etc.; and
- b. Tribe must inform DSHS of the approved hours of Tribal "WorkFirst" participation; or
- c. Recipient, if employed, must provide DSHS with the employment information.

EXAMPLE

Jack and Susan are married Tribal TANF recipients and both have approved Tribal IRPs that include 48-month training plans. Neither are employed. Jack and Susan are requesting WCCC for the IRP activity.

Jack and Susan are meeting WCCC activity requirements because they are in approved Tribal TANF activities. However, the AW would need to look at other WCCC rules, regarding family size, income, etc. to determine if Jack and Susan are eligible for WCCC.

The tribe may elect to pay the family's copayment, and/or the difference between the department's rate and the provider's rate, if the provider's rate is higher.

11. VISTA volunteers, Americorps and Washington Service Corps (WSC):

These applicants may receive WCCC if they are receiving taxable income from VISTA, Americorps or WSC and are otherwise eligible.

Self Employment

See [WAC 388-310-1700](#) Workfirst - Self-employment.

See [WAC 388-450-0085](#) How we count your self-employment income

Effective July 1, 2002

WAC 388-290-0050 If I am self-employed, can I get WCCC benefits?

You may be eligible for WCCC benefits for up to sixteen hours maximum per day when you're self-employed.

1. If you get TANF:
 - a. You must have an approved self-employment plan under [WAC 388-310-1700](#); and
 - b. The amount of WCCC you get for self-employment is equal to the number of hours in your approved plan.
2. If you don't get TANF:
 - a. During the first six months of your WCCC eligibility, the number of hours of WCCC you can get will be calculated based on your self-employment earnings. The number of hours of WCCC you get is based on whichever is more:
 - i. Your work hours reported in your business records; or
 - ii. The average number of monthly hours equal to dividing your monthly self-employment income by the federal or state minimum wage (whichever minimum wage is lower).
 - b. After the first six months, the number of hours of WCCC you can get each

month is based on the lesser of subsections (2)(a)(i) or (ii) of this section.

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CLARIFYING INFORMATION

TANF recipients pursuing self-employment must:

1. Be working at least 32 hours a week at the business;
2. Have business income that is equal to the minimum wage (state or federal, whichever is higher) times 32 hours a week after the business expenses are subtracted; and
3. Have their self-employment plan approved by the local business resource center.

EXAMPLE 1

Jack has received WCCC for his self-employment for the past 6 months. His case is up for review and he is indicating that he has no income from the self-employment activity. Jack is not eligible for continuing child care.

Jack wants to wait a month or two and reapply to the WCCC program for coverage of the same self-employment. He believes that the first-six-month rule for self-employment should be applied for this new application.

Jack is not eligible to receive benefits based on the first-six-month rule. The number of hours of child care he can receive is based on WAC 388-290-0050(2)(b).

EXAMPLE 2

William is self-employed as a gardener from April-September (6 months) and he has received WCCC for this activity. He works at an auto shop from October-March (6 months) and he also received WCCC for this activity. William now is self-employed as a mechanic and he believes that the first-six-month rule for self-employment should be

applied to this new self-employment.

William is not eligible to receive benefits based on the first-six-month rule. The number of hours of child care he can receive is based on WAC 388-290-0050(2)(b).

Consumers In Activities That Are Not Approved

Effective July 1, 2002

WAC 388-290-0055 If I am not working or in an approved activity right now, can I get WCCC benefits?

1. We can authorize WCCC payments for a child's attendance in child care for up to two weeks when you're waiting to enter an approved activity under [WAC 388-290-0040](#) or [388-290-0045](#).
2. We can authorize WCCC payments for a child's attendance in child care for up to four weeks if you experience a gap for reasons out of your control such as a layoff in employment, or approved activity, and:
 - a. Your employment, or the approved activity, will resume within that period; or
 - b. You're looking for another job and you received WCCC immediately before the gap in employment, or approved activity.

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CLARIFYING INFORMATION

Occasionally, consumers may request child care coverage for an activity not listed in WAC. Handle these requests by exploring with the consumer other child care resources such as from Division of Vocational Rehabilitation or Child Protective / Welfare Services. Additionally, the process of submitting a [Rule Exception Request](#) or RER (DSHS 05-010) is available.